

PATENT COOPERATION TREATY

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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference BP106387/TL	FOR FURTHER ACTION See Form PCT/IPEA/416	
International application No. PCT/FI 2003/000484	International filing date (day/month/year) 16-06-2003	Priority date (day/month/year)
International Patent Classification (IPC) or national classification and IPC H05G 1/64 A61B 19/00		
Applicant Instrumentarium Corporation		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. (*sent to the applicant and to the International Bureau*) a total of _____ sheets, as follows:

sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s))
_____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input checked="" type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input checked="" type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 29-11-2004	Date of completion of this report 26-09-2005
Name and mailing address of the IPEA/SE Patent- och registreringsverket Box 5055 S-102 42 STOCKHOLM	Authorized officer Peder Gjervaldsæter/MN Telephone No. +46 8 782 25 00
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INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

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Box No. I Basis of the report

1. With regard to the language, this report is based on:

- the international application in the language in which it was filed
 a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
 international search (Rules 12.3(a) and 23.1(b))
 publication of the international application (Rule 12.4(a))
 international preliminary examination (Rules 55.2(a) and/or 55.3(a))

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

- the international application as originally filed/furnished
 the description:

pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

- the claims:

pages _____ as originally filed/furnished
 pages* _____ as amended (together with any statement) under Article 19
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

- the drawings:

pages _____ as originally filed/furnished
 pages* _____ received by this Authority on _____
 pages* _____ received by this Authority on _____

- a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.

3. The amendments have resulted in the cancellation of:

- the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to the sequence listing (*specify*): _____

4. This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

- the description, pages _____
 the claims, Nos. _____
 the drawings, sheets/figs _____
 the sequence listing (*specify*): _____
 any table(s) related to the sequence listing (*specify*): _____

* If item 4 applies, some or all of those sheets may be marked "superseded."

Box No. IV Lack of unity of invention

1. In response to the invitation to restrict or pay additional fees the applicant has, within the applicable time limit:

- restricted the claims
- paid additional fees
- paid additional fees under protest and, where applicable, the protest fee
- paid additional fees under protest but the applicable protest fee was not paid
- neither restricted the claims nor paid additional fees

2. This Authority found that the requirement of unity of invention is not complied with and chose, according to Rule 68.1, not to invite the applicant to restrict or pay additional fees.

3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is:

- complied with
- not complied with for the following reasons:

The IPEA has recognised two different inventions in this application:

I: Claims 1-3 and 8 describe a detector storing rack detecting presence or absence of detector unit in the rack

II: Claims 4-7 and 9 describe identification of devices when producing image data

4. Consequently, this report has been established in respect of the following parts of the international application:

- all parts
- the parts relating to claims Nos. _____

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Box No. V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>1-3, 6-8</u>	YES
	Claims	<u>4-5, 9</u>	NO
Inventive step (IS)	Claims	<u>1-3, 8</u>	YES
	Claims	<u>4-7, 9</u>	NO
Industrial applicability (IA)	Claims	<u>1-9</u>	YES
	Claims		NO

2. Citations and explanations (Rule 70.7)

The claimed invention

The claimed invention relates to the problem concerning eliminating the risk for human errors when handling different detectors in X-ray equipment.

The problem is solved by automatically identifying the used detector and adapting the X-ray equipment based on this identification.

Prior art

In the International Search Report the following documents were cited:

- D1: WO02065935
- D2: WO0241783
- D3: US6402743
- D4: JP2002191586
- D5: JP2002191586

D1 describes an X-ray apparatus, in which characteristics for different sensors are stored in memories. Identification means are positioned on the sensor holders. When the X-ray apparatus is in progress of producing image data, characteristics for the used sensor and /or sensor holder are read from the memory and are transmitted to the parts of the X-ray system that need this information. (See page 6, line 23 - line 7, line 10; Claims 9 and 11; figure 1.)

Documents D2-D5 represent the prior art. The claimed invention

.../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box V

is not considered to be anticipated by these documents.

Statement of reason**Notes on the reply to the Written opinion:**

It is in the reply to the Written Opinion stated that the invention claimed in claims 4-7 and 9 differs from what is shown in D1. The reply has been understood to state that the system in D1 transfers data from the identification marks (30,31) to the recognition means (29) through a cable connection and that the invention claimed in claims 4-7 and 9 instead of cables is using radio transmission for this data transfer.

This difference can maybe be found in the description of the application (in figure 1 for example), but not in claims 4-7 and 9. It is in these claims stated that a cable is used for this transfer (see for example claim 4, page 13, lines 16-18).

Since the use of radio transmission is not specified in the claims, the argumentation from the Written opinion regarding claims 4-5 and 9 is still valid and follows hereafter.

Claims 4-5 and 9

What is claimed in claims 4-5 and 9 is, as is described above in the summary of document D1, already known from D1 and is thus not novel.

Claims 6-7

In claims 6-7 constructional details and characteristics of the device are defined, which come within the scope of the customary practice followed by persons skilled in the art, especially as the advantages thus achieved can readily be foreseen. Consequently, the subject matter of claims 6-7 is not considered to involve an inventive step.

Claims 1-3 and 8

..../...

Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: BOX V

The invention defined in claims 1-3 and 8 is not disclosed by the cited documents.

The cited prior art does not give any indication that would lead a person skilled in the art to the claimed X-ray device comprising a sensor unit detecting presence and absence of detector units. Therefore, the claimed invention is not obvious to a person skilled in the art.

Accordingly, the invention defined in claims 1-3 and 8 is novel and is considered to involve an inventive step. The invention is industrially applicable.

To sum up:

What is claimed in claims 4-5 and 9 is not novel. What is claimed in claims 6-7 is novel but fails to involve an inventive step. What is claimed in Claims 1-3 and 8 is novel and involves an inventive step. What is claimed in claims 1-9 comprises industrial applicability.

See also Box VIII for notes on Article 6 PCT.

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Box No. VIII Certain observations on the international application

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

It is clear from the description that the following features are essential to the definition of the invention:

- (1) A detector storing rack detecting presence or absence of detector unit in the rack

Since independent claims 4 and 9 do not contain these features it does not meet the requirement following from Article 6 PCT taken in combination with Rule 6.3(b) PCT that any independent claim must contain all the technical features essential to the definition of the invention.

Independent claims 4 and 9 also fails to comply with the requirement of unity for the same reasons (see further box IV).